

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN TC YEH,

Plaintiff

v.

UNITED STATES BUREAU OF
PRISONS, et al.

Respondent

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:
:
:
:
:
:
:
:

CIVIL ACTION NO. 3:18-CV-943

DECLARATION OF E. FRYMOYER

I, E. Frymoyer, hereby state:

1. I am employed by the Federal Bureau of Prisons (BOP) as an Attorney Advisor at the United States Penitentiary in Lewisburg, Pennsylvania (USP Lewisburg).
2. I certify the documents attached to this declaration:
 - a. are true and correct copies of records maintained by the BOP;
 - b. were created at or near the time of the occurrence of the matters reflected therein by someone with knowledge; and
 - c. were made by the BOP as a regular practice.

I am a custodian of the documents or am otherwise qualified to execute this certification, pursuant to Fed. R. Evid. 803(6) and 902(11).

3. John TC Yeh, Register No. 50807-037, is a federal inmate serving a one hundred eight (108) month sentence imposed by the U.S. District Court for the District of New Jersey for Conspiracy to Commit Mail Fraud. Yeh is currently confined at the Federal Correctional Institution in Minersville, Pennsylvania (FCI Schuylkill) in the satellite camp. His projected release date is October 14, 2019 via good conduct time release. Attachment A, Public Information.
4. The BOP has established a multi-tier system whereby a federal prisoner may seek formal review of any aspect of his imprisonment. See 28 C.F.R. §§ 542.10-542.19. Before seeking formal review, an inmate must first attempt to resolve the matter informally by presenting his complaint to staff on an Informal Resolution Attempt form commonly referred to as a BP-8. 28 C.F.R. § 542.13(a). If informal resolution is unsuccessful, the


inmate may then seek relief from the Warden with the submission of a Request for Administrative Remedy, commonly referred to as a BP-9. 28 C.F.R. 542.14. The deadline for completion of the BP-8 and submission of the BP-9 is twenty days from the date of the event which is the subject of the remedy.¹ *Id.* The Warden has twenty calendar days to respond. 28 C.F.R. § 542.18. If an inmate is dissatisfied with the Warden's response, he has twenty days from the date of the response to file a Regional Administrative Remedy Appeal, or BP-10, with the Regional Director. 28 C.F.R. § 542.15(a). The Regional Director has thirty days to respond to the appeal. 28 C.F.R. § 542.18. If the response of the Regional Director is not satisfactory to the inmate, he may then file a Central Office Administrative Remedy Appeal, or BP-11, with the BOP's Central Office within thirty days of the Regional Director's response. 28 C.F.R. § 542.15(a). Central Office has forty days to respond to the appeal. 28 C.F.R. § 542.18. An inmate's appeal to the Central Office is the final administrative level of appeal in the BOP. 28 C.F.R. 542.14(b). No administrative remedy appeal is considered to have been fully exhausted until it is decided on its merits by the BOP's Central Office. 28 C.F.R. §§ 542.10-542.19.

5. An administrative remedy may be rejected at any level if not properly or timely submitted. If a remedy is rejected, it is returned to the inmate and the inmate is provided with a written notice explaining the reason for rejection. 28 C.F.R. § 542.17(b). The BOP does not ordinarily maintain a copy of an administrative remedy that has been rejected. A rejection of an administrative remedy is not a decision on the merits.
6. Each administrative remedy filed by an inmate is given an identification number upon submission. Each number is then followed by a letter representing the level at which that particular remedy was filed. "F" means the remedy was filed with the Warden at the institution level. "R" indicates the remedy was filed with the Regional Director. "A" means the remedy was filed with the Central Office. The letter is then followed by a number to indicate how many times that remedy was filed or re-filed at that level.
7. The BOP maintains a computerized index of all administrative remedies and appeals filed by inmates in its SENTRY database. The attached Administrative Remedy Generalized Retrieval documents all of the administrative remedies filed by inmate Fields while in BOP custody. The Administrative Remedy Generalized Retrieval provides details concerning each remedy filed by inmate Yeh including the administrative remedy ID number, the date the remedy was received, an abstract (description) of the issue(s) raised, the three-letter code of the facility where the event occurred, the date the remedy was responded to, the status code, and the status reason. If the "status code" indicates that the remedy was rejected ("REJ"), then a three-letter code is provided to indicate the reason(s) why the remedy was rejected and how it may be resubmitted. Attachment B, Administrative Remedy Generalized Retrieval.

¹ An exception applies in cases where an inmate is challenging a DHO decision or believes the issue he is raising is sensitive and his safety or well-being would be placed in danger if known at the institution. In those cases, the administrative remedy appeal is filed directly to the Regional Director within twenty (20) calendar days rather than being initiated at the institution level. 28 C.F.R. §542.14(d)(1),(2).

8. During his incarceration, inmate Yeh has exhausted only one administrative remedy. On March 4, 2015, Yeh submitted Administrative Remedy 812650-F1. The request was rejected the same day because he did not attempt informal resolution prior to submitting the remedy request, he did not submit his request through his counselor, and he did not submit his request on the proper BP-9 form. He was instructed to re-submit his request in proper form. On March 13, 2015, he submitted Administrative Remedy 812650-F2. In his administrative remedy, Yeh requested a videophone, sign language interpreters, and auxiliary aids such as vibrating alarm clocks, pagers, vibrating bed devices, and message boards. His request was denied by the Warden on March 25, 2015. Attachment C, Administrative Remedy 812650-F2. He appealed to the Regional Director, filing Administrative Remedy 812650-R1 on March 30, 2015. On April 29, 2015, the Regional Director denied his appeal. Attachment D, Administrative Remedy 812650-R1. Finally, on May 12, 2015, he appealed to BOP's Central Office, filing Administrative Remedy 812650-A1. His appeal was denied on July 1, 2015. Attachment E, Administrative Remedy 812650-A1.
9. The procedures set forth in 28 C.F.R. § 39.170 provide an additional avenue for exhaustion of claims alleging discrimination on the basis of handicap in programs or activities conducted by the Department of Justice. Yeh, with the assistance of counsel, has complied with these procedures. In those proceedings he requested a videophone, sign language interpreters, and certain auxiliary aids to facilitate emergency notifications. On February 5, 2018, the Acting Complaint Adjudication Officer for the Department of Justice issued a decision pursuant to the authority provided by 28 C.F.R. § 39.170.

I hereby state under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.



E. Frymoyer
Attorney Advisor
USP Lewisburg

7/2/18

Date

LEWQ5	*	PUBLIC INFORMATION	*	06-27-2018
PAGE 001	*	INMATE DATA	*	12:20:51
		AS OF 06-27-2018		

REGNO...: 50807-037 NAME: YEH, JOHN TC

RESP OF: SCH

PHONE...: 570-544-7100

FAX: 570-544-7224

RACE/SEX...: ASIAN/PAC.ISL. / MALE

AGE: 71

PROJ REL MT: GOOD CONDUCT TIME RELEASE

PAR ELIG DT: N/A

PROJ REL DT: 10-14-2019

PAR HEAR DT:

G0002

MORE PAGES TO FOLLOW . . .

LEWQ5	*	PUBLIC INFORMATION	*	06-27-2018
PAGE 002	*	INMATE DATA	*	12:20:51
		AS OF 06-27-2018		

REGNO...: 50807-037 NAME: YEH, JOHN TC

RESP OF: SCH

PHONE...: 570-544-7100 FAX: 570-544-7224

HOME DETENTION ELIGIBILITY DATE: 04-14-2019

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 10-14-2019 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: NEW JERSEY
DOCKET NUMBER.....: 3:09CR856(JAP)01
JUDGE.....: PISANO
DATE SENTENCED/PROBATION IMPOSED: 11-30-2011
DATE COMMITTED.....: 01-30-2012
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00
RESTITUTION...:	PROPERTY: NO	SERVICES: NO	AMOUNT:	\$20,000,000.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE.....: 150
OFF/CHG: 18:1349{18:1341} CONSP TO COMMIT MAIL FRAUD.(CT-4)

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE.: 108 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
DATE OF OFFENSE.....: 07-31-2009

G0002 MORE PAGES TO FOLLOW . . .

LEWQ5 * PUBLIC INFORMATION * 06-27-2018
PAGE 003 OF 003 * INMATE DATA * 12:20:51
AS OF 06-27-2018

REGNO.: 50807-037 NAME: YEH, JOHN TC

RESP OF: SCH

PHONE.: 570-544-7100 FAX: 570-544-7224

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-31-2012 AT DSC AUTOMATICALLY
COMPUTATION CERTIFIED ON 02-01-2012 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 01-30-2012
TOTAL TERM IN EFFECT.....: 108 MONTHS
TOTAL TERM IN EFFECT CONVERTED..: 9 YEARS
EARLIEST DATE OF OFFENSE.....: 07-31-2009

JAIL CREDIT.....:	FROM DATE	THRU DATE
	11-18-2009	11-19-2009
	04-29-2011	04-29-2011
	05-09-2011	06-24-2011

TOTAL PRIOR CREDIT TIME.....: 50
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED..: 423
TOTAL GCT EARNED.....: 324
STATUTORY RELEASE DATE PROJECTED: 10-14-2019
EXPIRATION FULL TERM DATE.....: 12-10-2020
TIME SERVED.....: 6 YEARS 6 MONTHS 18 DAYS
PERCENTAGE OF FULL TERM SERVED..: 72.7

PROJECTED SATISFACTION DATE.....: 10-14-2019
PROJECTED SATISFACTION METHOD...: GCT REL

G0000 TRANSACTION SUCCESSFULLY COMPLETED

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LEWQ5          *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL *          06-29-2018
PAGE 001 OF                                         09:44:58

      FUNCTION: L-P SCOPE: REG      EQ 50807-037      OUTPUT FORMAT: FULL
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
DT STS: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT RDU
DT TDU: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED:  REMEDY LEVEL:  _ _ _ _ _ RECEIPT:  _ _ _ _ "OR" EXTENSION:  _ _ _ _
RCV OFC : EQ _____
TRACK:  DEPT: _____
        PERSON: _____
        TYPE: _____
EVNT FACL: EQ _____
RCV FACL.: EQ _____
RCV UN/LC: EQ _____
RCV QTR.: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

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MORE PAGES TO FOLLOW . . .

MORE PAGES TO FOLLOW . . .

LEWQ5 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2018
PAGE 002 OF * FULL SCREEN FORMAT * 09:44:58

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: SCH
REMEDY ID: 812650-F1 SUB1: 35DC SUB2: DATE RCV: 03-04-2015
UNT RCV...:CAMP QTR RCV.: E03-005U FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E03-005U FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 2 NER 1 BOP 1 RESP DUE:
ABSTRACT.: WANTS CERTIFIED ASL INTERPRETER
STATUS DT: 03-04-2015 STATUS CODE: REJ STATUS REASON: INF CON FRM RSF
INCRPTNO.: RCT: EXT: DATE ENTD: 03-04-2015
REMARKS..:

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: SCH
REMEDY ID: 812650-F2 SUB1: 35DC SUB2: DATE RCV: 03-13-2015
UNT RCV...:CAMP QTR RCV.: E03-005U FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E03-005U FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 2 NER 1 BOP 1 RESP DUE: THU 04-02-2015
ABSTRACT.: WANTS ASL INTERPRETER
STATUS DT: 03-25-2015 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 03-13-2015
REMARKS..:

G0002 MORE PAGES TO FOLLOW . . .

LEWQ5 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2018
PAGE 003 OF * FULL SCREEN FORMAT * 09:44:58

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: NER
REMEDY ID: 812650-R1 SUB1: 35DC SUB2: DATE RCV: 03-30-2015
UNT RCV...:CAMP QTR RCV.: E03-005U FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E03-005U FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 2 NER 1 BOP 1 RESP DUE: WED 04-29-2015
ABSTRACT.: WANTS ASL INTERPRETER
STATUS DT: 04-29-2015 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 03-31-2015
REMARKS..:

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: BOP
REMEDY ID: 812650-A1 SUB1: 35DC SUB2: DATE RCV: 05-12-2015
UNT RCV...:CAMP QTR RCV.: E03-005U FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E03-005U FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 2 NER 1 BOP 1 RESP DUE: SAT 07-11-2015
ABSTRACT.: REQ ACCOMMODATIONS FOR BEING DEAF
STATUS DT: 07-01-2015 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: P DATE ENTD: 06-12-2015
REMARKS..:

G0002 MORE PAGES TO FOLLOW . . .

LEWQ5 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2018
PAGE 004 OF * FULL SCREEN FORMAT * 09:44:58

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: SCH
REMEDY ID: 882915-F1 SUB1: 35DC SUB2: DATE RCV: 11-17-2016
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 1 NER 2 RESP DUE: WED 12-07-2016
ABSTRACT.: REQUESTING SIGN LANGUAGE INTERPRETER FOR ACE CLASS
STATUS DT: 12-07-2016 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 11-17-2016
REMARKS..:

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: SCH
REMEDY ID: 885073-F1 SUB1: 11GC SUB2: DATE RCV: 12-08-2016
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 1 RESP DUE: WED 12-28-2016
ABSTRACT.: MOVIES SHOWN WITHOUT SUBTITLES
STATUS DT: 12-19-2016 STATUS CODE: CLG STATUS REASON: PAR
INCRPTNO.: RCT: P EXT: DATE ENTD: 12-08-2016
REMARKS..:

G0002 MORE PAGES TO FOLLOW . . .

LEWQ5 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2018
PAGE 005 OF * FULL SCREEN FORMAT * 09:44:58

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: NER
REMEDY ID: 882915-R1 SUB1: 35DC SUB2: DATE RCV: 12-12-2016
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 1 NER 2 RESP DUE:
ABSTRACT.: REQUESTING SIGN LANGUAGE INTERPRETER FOR ACE CLASS
STATUS DT: 12-13-2016 STATUS CODE: REJ STATUS REASON: IRQ OTH RSR
INCRPTNO.: RCT: EXT: DATE ENTD: 12-13-2016
REMARKS...: YOU DID NOT SUBMIT AN ORIGINAL DUPLICATE (ONE OF THE
BLUE CARBON COPIES) OF THE BP9.

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: NER
REMEDY ID: 885926-R1 SUB1: 13GM SUB2: DATE RCV: 12-14-2016
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: RESP DUE:
ABSTRACT.: COMPASSIONATE RELEASE REQUEST
STATUS DT: 12-15-2016 STATUS CODE: REJ STATUS REASON: INS OTH
INCRPTNO.: RCT: EXT: DATE ENTD: 12-15-2016
REMARKS...: YOU MUST FILE A BP9 TO THE WARDEN. AFTER YOU
RECEIVED THE WARDEN'S RESPONSE TO YOUR BP9 YOU MAY
FILE TO THE REGIONAL OFFICE.

G0002 MORE PAGES TO FOLLOW . . .

LEWQ5 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2018
PAGE 006 OF * FULL SCREEN FORMAT * 09:44:58

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: NER
REMEDY ID: 882915-R2 SUB1: 35DC SUB2: DATE RCV: 12-19-2016
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 1 NER 2 RESP DUE: WED 01-18-2017
ABSTRACT.: REQUESTING SIGN LANGUAGE INTERPRETER FOR ACE CLASS
STATUS DT: 01-18-2017 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 12-20-2016
REMARKS...:

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: SCH
REMEDY ID: 886834-F1 SUB1: 31ZC SUB2: DATE RCV: 12-23-2016
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: RESP DUE:
ABSTRACT.: COMPASSIONATE RELEASE/REDUCTION IN SENTENCE
STATUS DT: 12-23-2016 STATUS CODE: REJ STATUS REASON: CON INF RSF
INCRPTNO.: RCT: EXT: DATE ENTD: 12-23-2016
REMARKS...: YOU DID NOT FILE A BP8 BEFORE FILING THE BP9.
YOU CANNOT SEND THE BP9 THROUGH THE MAIL. IT HAS TO
BE HANDED TO YOUR COUNSELOR.

G0002 MORE PAGES TO FOLLOW . . .

LEWQ5 *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 06-29-2018
PAGE 007 OF 007 * FULL SCREEN FORMAT * 09:44:58

REGNO: 50807-037 NAME: YEH, JOHN
RSP OF...: SCH UNT/LOC/DST: CAMP QTR.: E04-008L RCV OFC: SCH
REMEDY ID: 888003-F1 SUB1: 31ZC SUB2: DATE RCV: 01-06-2017
UNT RCV...:CAMP QTR RCV.: E04-008L FACL RCV: SCH
UNT ORG...:CAMP QTR ORG.: E04-008L FACL ORG: SCH
EVT FACL.: SCH ACC LEV: SCH 1 RESP DUE: THU 01-26-2017
ABSTRACT.: APPEALING DECISION ON COMPASSIONATE RELEASE
STATUS DT: 01-17-2017 STATUS CODE: CLD STATUS REASON: DNY
INCRPTNO.: RCT: P EXT: DATE ENTD: 01-09-2017
REMARKS..:

11 REMEDY SUBMISSION(S) SELECTED
G0000 TRANSACTION SUCCESSFULLY COMPLETED

U.S. DEPARTMENT OF JUSTICE

REQUEST FOR ADMINISTRATIVE REMEDY

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

Name:

YEH, John T.C.

50807-037

1

MA 18 FPC

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A- INMATE REQUEST

Since I have been Requested for Psychology Service under an ASL interpreter over 3 years, I am still wanting to have a face-face meeting with psychologist with ASL interpreter. I'm included the copy of explanation for your reviewing.

I'm placing this form in the mailbox on my camp unit #1 on March 11, 2015. Thank you in advance.

Sincerely,

MARCH 11, 2015

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

see attached

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 012600-52

CASE NUMBER:

Part C- RECEIPT

Turn to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

My name is John Tsu-Chih Yeh and I am 68 years old profoundly deaf Chinese American who has served 36 months of a 108 month sentenced for mail fraud. I was born deaf, and learned English and American Sign Language (my primary language) when I was fifteen years old. Despite not having a history of psychiatric disability, I currently am seeking counseling because the three years I have spent at the camp being completely isolated. Specifically, the prisons failure to provide reasonable accommodations under the Rehabilitation Act have made it impossible for me to effectively communicate with other inmates and staff, communicate with my family members, or access programs, services and activities at the facility. All of this has taken a serious toll on my mental health.

The prison does not provide:

1. equal access to an effective telecommunication device for the deaf (e.g., videophone);
2. Qualified American Sign Language interpreters to enable me to communicate effectively with medical, mental healthcare professionals, institution staff, educational and vocational instruction, religious clergy, work program managers and coordinators and disciplinary officers; and
3. Access to auxiliary aids to be notified of emergencies or any other events/announcements (e.g., vibrating pager, visual/vibrating alarms, vibrating watch, and/or message boards).

All of these are required according to federal disability rights law for people who, like me, have a disability and are housed in a federal prison.

I. Appropriate and Effective Telecommunication Device

I can not use the telephone in the same way as a hearing person. American Sign Language is my primary means of communication. Having access to a videophone ensures effective and accessible communication for me. Moreover, the Federal Communications Commission banned telephone calls from TTYs to videophones. As such, without a videophone there is no way for me to contact my family, all of whom also are deaf. Regular access to a videophone would allow me to remain in touch with my deaf and hearing family, friends and attorney outside of the camp.

On September 24th, 2013 I made a request for videophone and received a determination letter from the Trust Fund Specialist on September 26th, 2013. There is a TTY in the staff office, but it is ineffective in communicating with my family, as no one longer owns a TTY device, which is an obsolete technology. My family only has videophones.

II. Interpretive Services for Medical Treatment and Prison Services / Proceedings

When I reported to serve my term on January 30, 2012, I was not provided a qualified American Sign Language interpreter (either in person or via Video Remote Interpreting) to effectively communicate the standard orientation and procedure for entering camp. I was at significant disadvantage as compared to other hearing inmates.

Thereafter, all of the activities/services/proceedings I have participated in were without a qualified American Sign Language interpreter. I am frequently by myself without the ability to participate in general activities and events that are made available to all other inmates. Furthermore, I do not have means of communicating with other inmates or staff.

III. Necessary Auxiliary Aids for Effective Communication and Safety

I do not have access to visual safety alarm nor means to facilitate communication such as visual pagers or other auxiliary aids (e.g., vibrating alarm clocks, pagers, vibrating bed devices or message boards to ensure that I have information about safety and that ensures effective communication with staff and inmates). I do not have a mechanism to be alerted of announcement made over the public address speaker system, such as meal announcements, count calls and meetings. I do not have a vibrating watch or bed device that would provide me with non-aural alarm notifications to timely attend scheduled activities.

IV. Conclusion

I am filing this grievance to put the prison on notice that as a "qualified individual with a disability," the Rehabilitation Act requires that the prison provide the following at minimum:

1. Equal access to an effective telecommunication device for the deaf (e.g., videophone);
2. Qualified American Sign Language interpreters to enable me to communicate effectively with medical, mental healthcare professionals, institution staff, educational and vocational instruction, religious clergy, work program managers and coordinators and disciplinary officers; and
3. Access to auxiliary aids to be notified of emergencies or any other events/announcements (e.g., vibrating pager, visual/vibrating alarms, vibrating watch, and/or message boards).

YEH, John
Reg. No. 50807-037
Camp 1
Remedy ID #812650-F2

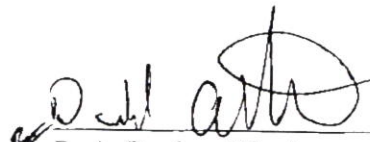
Part B - RESPONSE

This is in response to your Request for Administrative Remedy received on March 13, 2015, in which you allege you are not being provided reasonable accommodations as a deaf person. You claim you require a videophone, interpretive services for "Medical Treatment and Prison Services Proceedings", and Auxiliary Aids for Effective Communication and Safety. You have also specifically requested to have a meeting with the Psychologist with an American Sign Language (ASL) interpreter.

A review of your request shows you are being provided the access to the same or similar privileges and services as all other inmates. Inmates are not provided access to videophone services for normal communication with family, friends, and/or attorneys; they are limited to e-mail, visiting, and telephonic contact. You are also provided access to e-mail and visiting contact, and as an alternative to the telephone, you were offered access to a TTY device but have chosen not to use it. You have communicated with staff in writing and may continue to communicate in writing with staff and inmates who do not use sign language. Should you encounter a specific situation in which written communication is not possible adequate, you should bring it to the attention of the Department Head responsible for that area. However, on March 10, 2015, you were seen by the Psychologist who communicated with you adequately in writing and who determined you do not require further services at this time. Our fire alarm system is equipped with flashing strobe lights which will alert you to an evacuation emergency. Otherwise, staff are aware you are deaf and will ensure you are aware of any other necessary announcements. The loudspeaker system is for the convenience of staff only, and is not used as a primary method to convey information or announce emergencies or warnings. You were provided with a schedule of activities, counts, mealtimes, etc., in writing and must adhere to those schedules like all other inmates. In addition, all announcements and procedural changes are made available to you and all other inmates in writing via the TRULINCS bulletin board.

Based upon this information, your Request for Administrative Remedy is denied.

If you are not satisfied with this decision, you may appeal to the Regional Director, Federal Bureau of Prisons, U.S. Custom House, Second and Chestnut Street, Philadelphia, PA 19106, within 20 Calendar days of the date of this response.



R. A. Perdue, Warden

3/20/15

Date

YEH, John

Reg. No. 50807-037

Appeal No. 812650-R1

Page One

Part B - Response

You appeal the decision of the Warden at FCI Schuylkill and allege you are not being provided reasonable mental health accommodations, due to you being deaf. You feel you are being denied mental health services assisted by an American Sign Language (ASL) interpreter. You request face-to-face meetings with a Psychologist and an ASL interpreter.

Bureau of Prisons policy states Bureau Psychology staff members are responsible for the assessment and treatment of mental disorders in the inmate population. Bureau Psychologists are responsible for assessing possible symptoms of mental disorder and providing treatment as required.

A review of your appeal revealed the Warden adequately addressed your complaint. You were interviewed by a Psychologist on March 10, 2015, regarding your mental health. The Psychologist communicated with you in writing because of your hearing impairment. The record indicates you reported "loneliness" due to your communication problem, but did not demonstrate any indication of a mental disorder requiring psychological treatment services. As stated by the Warden, should you encounter a situation where written communication is not possible/adequate, then you may bring it to the attention of the respective Department head. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: April 29, 2015


J. L. NORWOOD
Regional Director

U.S. Department of Justice

Federal Bureau of Prisons

FCI Schuylkill

Central Office Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: YEH, John's Office 607-039 1 Schuylkill, FPC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

I have attached a copy of the Admin Remedy Appeal Request that I submitted on March 26, 2015. I did not receive a response within 35 days. I am now submitting my request to appeal to the next level.
 I am placing this form in the mailbox on my camp unit on May 6, 2015. Thank you in advance.

MAY 6, 2015
 DATE

[Signature]
 SIGNATURE OF REQUESTER

Part B - RESPONSE

 DATE

 GENERAL COUNSEL

THIRD COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

 DATE

 SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Administrative Remedy No. 812650-A1
Part B - Response

You claim staff have failed to provide you reasonable accommodations under the Rehabilitation Act as a deaf person. You request to be provided equal access to an effective telecommunication device, qualified sign language interpreters, and access to auxiliary aids to be notified of emergencies or announcements.

Our review of this matter reveals that the Warden and Regional Director have adequately addressed your concerns. Prison staff have provided reasonable accommodation of your impairment. You have been afforded reasonable and equal ability to participate in all institution programs and activities. You have been offered access to the telephone via the TTY device but you have declined to use it. Your ability to communicate in writing has been facilitated and supported. Prison staff have determined you do not require further services at this time; however, you have been advised to report to appropriate staff should you encounter a specific situation in which written communication is either not possible or inadequate. We concur with the responses provided and find no need to elaborate.

In order to exhaust under the Prison Litigation Reform Act for claims alleging discrimination on the basis of handicap in a program or activity conducted by the Bureau of Prisons, you must also file an administrative complaint under 28 C.F.R. § 39.170 within 180 days of this response. Complaints should be submitted to the:

EEO Officer
Federal Bureau of Prisons, Central Office
320 First Street, NW
Washington, D.C. 20534

Accordingly, your appeal is denied.

11/11/18
Date

Ian Connors
Ian Connors, Administrator
National Inmate Appeals